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AUTHOR Trevaskis, David Keller
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ABSTRACT

This digest discusses mediation as a form of conflict management that is receiving widespread attention in schools. Mediation involves a neutral third person, called a mediator, who assists the disputants in resolving their problem with the consent of all parties. It offers a risk-free way to settle disputes for the parties involved. Unresolved and lingering conflict frequently leads to violence, interfering with productivity and the quality of life in schools and the community. Extensive data illustrate that instances of violence, including bias-related violence and disciplinary problems in schools, are severely interfering with the learning environment of students. The rising incidence of violence in the schools has led numerous school districts to implement a wide range of costly safety measures from purchasing metal detectors to hiring fulltime police officers. Because such measures do not attack the causes of violence, there is a growing consensus that the best way to handle violence in the schools and prevent its spread throughout the community is to defuse disputes before they turn violent. The Digest describes the formation of The National Association for Mediation in Education (NAME), provides an address and telephone number for the organization, and discusses how mediation is being used in the schools. The American Bar Association's five-part mediation procedure model is outlined. An 11-item list of references and ERIC resources concludes this digest. (DK)

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2805 EAST TENTH STREET • SUITE 120
INDIANA UNIVERSITY
BLOOMINGTON, INDIANA 47408
812-855-3838 • 800-266-3815

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Mediation in the Schools

by David Keller Trevaskis

Concern about violence in the schools has made the study of conflict and conflict management an urgent matter for educators today. Mediation is one form of conflict management that is getting widespread attention in schools across America. Mediation involves a neutral third person, called a mediator, who assists the disputants in resolving their problem with the consent of all parties. It offers a risk free way to settle disputes for the parties involved in the dispute. No agreement, no deal.

How Should Schools Address the Problem of Violence? Conflict is a normal, natural part of everyday life. The word conflict has its roots in the Latin word *conflictus*, meaning "striking together." Despite the violent overtones of its Latin translation, conflict and violence are not synonymous. However, unresolved and lingering conflict frequently leads to violence, interfering with productivity and the quality of life in schools and the community. Extensive data illustrate that instances of violence, including bias-related violence and disciplinary problems in schools around the country, are severely interfering with the learning environment of students. Almost 300,000 high school students are attacked physically each month and one in five students in grades 9 through 12 carries a weapon to school (Meek 1992, 48).

The rising incidence of violence in the schools has led numerous school districts to implement a wide range of costly safety measures from purchasing metal detectors to hiring full-time police officers. Although such measures may limit violent acts in the schools, they do not attack the causes of violence and often serve only to move the violence elsewhere in the community. There is a growing, common-sense consensus that the best way to handle violence in the schools and prevent its spread throughout the community is to defuse disputes before they turn violent.

Schools have attempted to manage interpersonal conflicts among students, teachers, and administrators by various models of discipline, such as referrals to the principal's office, detention, suspension, and expulsion. Yet, it does not appear that these methods teach the students the problem solving and conflict resolution skills they need for life to resolve conflict in a productive, non-violent way. Dissatisfaction with traditional processes established to settle disputes has led educators and others to try new ways of conflict resolution such as mediation.

The rush toward conflict resolution in the schools is mirrored in society at large by a move away from the traditional litigation model of problem solving in the courts. Alternative Dispute Resolution (ADR) efforts, including court-based mediation programs, are expanding throughout the justice system. Mediation as an alternative means of dispute resolution has been around in various forms since the 1960s. It received national attention in 1984 when the National Association for Mediation in Education (NAME) was formed. NAME brought together educators and mediators working in neighborhood justice centers to consider how best to teach about mediation and conflict resolution. (For more information contact NAME, 205 Hampshire House, P.O. Box 33635, University of Massachusetts, Amherst, MA 01003-3635; (413) 545-2462.) The mediation effort in schools was also spurred by the development of local programs that have grown to national stature, such as the Community Board Program in San Francisco and the New Mexico Center for Dispute Resolution based in Albuquerque.

How is Mediation Being Used in the Schools? Peer mediation programs, where students are trained generally to resolve disputes involving other students, have been shown to be an effective means of resolving disputes in school settings. Success rates of 58% to 93% have been achieved at various sites where success was measured by whether an agreement was reached and maintained at the time of a follow-up evaluation (Lam 1988; Johnson, Johnson, and Dudley 1992). There is anecdotal evidence that students transfer the mediation techniques learned in school to settings beyond the classroom. Students have reported using their mediation skills to resolve disputes at home with their siblings and in their community with peers (Johnson, Johnson, and Dudley 1992, 97).

Both mediators and disputants benefit from the mediation training and conflict resolution process. Students who are taught the skills of mediating disputes learn political skills which can be used beyond the classroom. Student mediators learn to listen effectively, summarize accurately, and think critically. Further, they develop skills on how to solve problems, to lead, to write, and to foster meaningful discussion among disputants. Since mediation seeks to solve a dispute and prevent its recurrence, student mediators learn to plan for the future. They learn about responsibilities as well as rights, about consequences as well as choices.

Disputants involved in mediation also learn many of these same lessons. More importantly, maybe for the first time in their lives, they learn non-violent ways that they can choose to resolve their conflicts. They learn that they can succeed at resolving conflicts peaceably, that they can resolve problems without resorting to violence. They also develop a capacity to empathize with others.

This creates a "chicken and the egg" element to bringing mediation programs into schools. Do you begin by teaching everyone the skills of conflict resolution, or do you begin by training a small group of peer mediators? Either approach may

David Keller Trevaskis is the Director of the Law, Education, and Participation Project (LEAP) at Temple University Law School in Philadelphia.

be used at the start of a program, but there is a need to eventually teach everyone in the school community the skills involved in mediating disputes, so that the broader goals are achieved. Success of peer mediation should be studied in terms of broader issues of changing ways of thinking about and responding to conflict as well as specific improvements in school discipline and student behavior.

At the elementary school level, mediators generally work in teams on the playground, in the lunchroom, or in the classroom. Intervention is often immediate, with the mediators coming up to the disputants and asking if they would like to try to settle their problems. If they agree, the mediators and disputants move to a clear area and begin the mediation process. If the disputants refuse to participate, the mediators move on. Their job is to help parties resolve their disputes, not to police the area.

At the secondary level, peer mediators often have cases referred to them for mediation. These mediations take place in more formal settings, such as an empty office or classroom set aside for the mediation program.

Checklist for Mediation. Trained mediators follow a simple procedure, such as the model outlined below from the American Bar Association (Wolowiec 1984, 16):

Part I. Introduction
1. Have participants introduce themselves.
2. Explain the mediator's role.
3. Explain the ground rules. An example of a good ground rule is: Respect each other.
4. Explain steps of mediation.
5. Ask for any questions before you begin.

Part II. Telling the Story
1. Both parties tell their side of the story to the mediator.
2. Summarize both parties' side of the story.
3. Make sure *you* understand the conflict.
4. Make sure the parties understand the conflict.

Part III. Identifying Facts and Feelings
1. Parties tell their side of the story to each other.
2. Bring out facts and feelings of what the parties say.
3. Have parties change roles.
4. Summarize the facts and feelings of both sides.

Part IV. Generating Options
1. Ask both parties how they can solve the problem.
2. Write down all solutions.
3. Check off only the solution(s) that both parties can agree to.

Part V. Agreement
1. Use only the solutions that both parties agree to.
2. Write the contract up in parties' own words.
3. Everybody signs it.

Part VI. Follow-Up
1. Explain how follow-up works.
2. Remember to thank the people for being there and for letting the mediation service help them.

References and ERIC Resources. The following list includes references used to prepare this Digest. The items followed by an ED number are available in microfiche and/or paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 7420 Fullerton Road, Suite 110, Springfield, Virginia, 22153-2842; telephone numbers are (703) 440-1400 and (800) 443-3742. Entries followed by an EJ number, announced monthly in the CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE), are not available through EDRS. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from the UMI reprint service.

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